

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HEAVEN BENJAMIN,

Plaintiff,

-against-

RMSC WARDEN (JOHN DOE), et al.,

Defendants.

1:24-CV-4098 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated September 12, 2024, the Court granted Plaintiff 60 days' leave to file an amended complaint, as specified in that order. (ECF 6.) That order specified that failure to comply with that order would result in dismissal of this action; the Court would dismiss Plaintiff's claims under 42 U.S.C. § 1983 for failure to state a claim on which relief may be granted, *see* 28 U.S.C. § 1915(e)(2)(B)(ii), and would decline to consider, under its supplemental jurisdiction, Plaintiff's claims under state law, *see* 28 U.S.C. § 1367(c)(3). Plaintiff has not filed an amended complaint. Accordingly, the Court dismisses this action for the reasons discussed above.

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in form pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter a judgment dismissing this action for the reasons discussed in this order.

SO ORDERED.

Dated: December 19, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge